

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
REDDY ET AL.	§	Group Art Unit: 1755
	§	
Serial No.: 10/759,678	§	Confirmation No.: 8611
	§	
Filed: JANUARY 16, 2004	§	Examiner: PAUL D. MARCANTONI
	§	
Title: "SETTABLE FLUIDS COMPRISING PARTICLE-SIZE DISTRIBUTION- ADJUSTING AGENTS AND METHODS OF USE"	§	Atty. Docket No: HES 2003-IP-011937U1
	§	
	§	

CERTIFICATE OF FILING ELECTRONICALLY VIA EFS
37 C.F.R. 1.8

I HEREBY CERTIFY THAT I HAVE A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING SUBMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE VIA EFS (ELECTRONICALLY) ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:

HONORABLE COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450


DEBBIE ALLEN

DATE OF SUBMISSION: DECEMBER 10, 2008
ELECTRONIC FILING (EFS)

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Honorable Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed July 10, 2008, finally rejecting claims 1-12, 14-28, 30-39, and 123-134, 136-170, and 172-191.

Applicants hereby petition under the provisions of 37 C.F.R. § 1.136(a) to extend the time for reply to the Advisory Action mailed on October 10, 2008 for 2 months from October 10, 2008 to December 10, 2008. The Commissioner is hereby authorized to debit the Deposit Account of Baker Botts L.L.P., Deposit Account No. 02-0383, Order Number 063718.0359, in

the amount of \$460.00 for the fee for the two-month Extension of Time to file this Response. The Commissioner is also hereby authorized to debit Baker Botts L.L.P.'s Deposit Account No. 02-0383, Order Number 063718.0359, in the amount of \$510.00 for the fee for filing this Notice of Appeal

Should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P.'s Deposit Account No. 02-0383, Order Number 063718.0359.

BAKER BOTTS L.L.P. (023640)

By: 

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Date: December 10, 2008